

Head of Judiciary Ebrahim Raisi
c/o Permanent Mission of Iran to the UN
Chemin du Petit-Saconnex 28, 1209 Geneva, **Switzerland**

Dear Mr Raisi,

Arsalan Khodkam, 47, from Iran's Kurdish minority, is at risk of execution in Urumieh prison in West Azerbaijan province. He was sentenced to death on 14 July 2018 for "spying" for the Kurdish Democratic Party of Iran (KDPI), an armed Kurdish opposition group, while working as a low-ranking officer for the Revolutionary Guards. He consistently denied the charge and said that the authorities accused him of espionage after they learnt that he was in communication, via Instagram, with one of his wife's relatives, who was a member of the KDPI. He was sentenced to death less than three months after his arrest in a grossly unfair trial that lasted 30 minutes and relied on "confessions", which he said were made under torture and other ill-treatment. He has never been allowed access to a lawyer of his own choosing. In February 2020, his lawyer attempted to access his court documents and prepare a clemency application. The prosecution authorities told the lawyer that he could not represent Arsalan Khodkam and a clemency application previously submitted from inside prison had been rejected. In May 2020, his relatives were warned that his execution may be carried out at any moment.

Following his arrest on 23 April 2018, Arsalan Khodkam was transferred to a Revolutionary Guards detention facility in Almahdi military barracks in Urumieh where he was held in solitary confinement for 36 days, without access to his family and a lawyer. He said that during this period, the interrogators repeatedly tortured him to "confess". The alleged torture included repeated episodes of flogging, punching and kicking, including on his back where he had a surgical implant. As a result, he fainted multiple times. The interrogators also allegedly handcuffed him in a painful manner for prolonged periods, and while doing so, they denied him access to toilet facilities, which forced him to either urinate on himself or hold his urine leading to bladder and kidney pain. He also said that he was deprived of sleep.

Arsalan Khodkam was convicted of "enmity against God" (moharebeh) through "espionage" by Branch 1 of the Military Court in West Azerbaijan. He met his court appointed lawyer for the first time at his trial and said that the lawyer did not present any defence in court. Branch 32 of the Supreme Court dismissed his appeal summarily, without addressing the unlawful use of torture-tainted "confessions" as evidence. A subsequent request for judicial review was rejected on 3 October 2018. He has never been provided with a copy of the written verdicts issued against him. The use of the death penalty for "espionage" violates international law, which restricts its use to "most serious crimes" involving intentional killings.

I urge you to quash Arsalan Khodkam's conviction and death sentence and grant him a fair retrial, without recourse to the death penalty and excluding "confessions" obtained under torture and other ill-treatment. I urge you to ensure his access to a lawyer of his own choosing and order an independent and impartial investigation into his allegations of torture and other ill-treatment and bring those responsible to justice.

Yours sincerely,